

REMARKS

This Amendment is being filed in response to the Office Action mailed June 26, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-6 and 14 remain in this application. Claims 7-13 have been canceled without prejudice, and claim 14 has been added by this amendment. Applicants reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

By means of the present amendment, claims 1-6 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A', changing "characterized in that" to --wherein--, and deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Such amendments to claims 1-6 were not made in order to address issues of patentability and Applicants respectfully reserve all rights under

the Doctrine of Equivalents.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

In the Office Action, the drawings are objected to for including the reference numeral 14 which is not mentioned in the specification. To obviate this drawing objection, the specification has amended to include the reference numeral 14. Accordingly, withdrawal of the objection to the drawings is respectfully requested.

In the Office Action, the Examiner reminded the Applicant about the proper use of Trademarks in to the specification. In response, the specification has been amended the specification to reflect better used of the Trademark BLU-RAY DISC.

In the Office Action, claims 1-6 are rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. Without agreeing with the position forwarded in the Office Action and in the interest of advancing prosecution, claims 1 and 5 have been amended to remove the alleged informality noted in the Office Action. It is respectfully submitted that the rejection of claims 1-6 has been

overcome and an indication as such is respectfully requested.

In the Office Action, claims 1-2 and 4-6 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by, or in the alternative, under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,510,163 (Sullivan). Claims 1 and 3-5 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by, or in the alternative, under 35 U.S.C. §103(a) as allegedly unpatentable U.S. Patent Application Publication No. 2003/0012562 (Lawandy). Further, claim 3 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Sullivan in view of Lawandy. Claims 2 and 6 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Lawandy in view of U.S. Patent No. 6,222,340 (Kawabata). Claim 21 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Watanabe in view of Sullivan. It is respectfully submitted that claims 1-6 and 14 are patentable over Sullivan and Lawandy for at least the following reasons.

Sullivan is directed to an optical recording medium for storing data and having a visible logo on a read side of the medium for providing some anti-counterfeiting protection. As shown in FIG 1, a logo coating 14 is provided on a top or read side of a

substrate 10. A recording coating 6 is provided on the bottom side of the substrate 10. A similar optical recording medium is shown in FIG 8.

Lawandy is directed to a method and apparatus for providing markings upon objects, including the read side of an optical information media, where the markings do not substantially interfere with object.

It is respectfully submitted that Sullivan and Lawandy, alone or in combination, do not teach or suggest the present invention as recited in independent claim 1 which, amongst other patentable elements, recites (illustrative emphasis provided):

- a first data layer;
- a first transparent layer ... comprising a first substrate and a first label layer ...;
- a second data layer;
- a second transparent ... layer comprising a second substrate and a second label layer ...; and
- a third substrate between the first data layer and the second data layer.


Sullivan, Lawandy, and combination thereof do not even disclose or suggest two label layers, let alone disclosing or suggesting the particular arrangement of the various layers, such the particular arrangement noted above of the three substrates, the

two data layers and the two label layers. Accordingly, it is respectfully submitted that independent claim 1 is allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-6 and 14 should also be allowed at least based on their dependence from amended independent claim 1.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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